

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF ELIZABETH	)	APPEAL NO. 06-A-2146
CARTER from the decision of the Board of Equalization	)	FINAL DECISION AND
of Ada County for tax year 2006.	)	ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing October 3, 2006, in Boise, Idaho, before Hearing Officer Sandra Tatom. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Owner Elizabeth Carter appeared for herself. Chief Deputy Tim Tallman, Deputy Assessor Dan Curtis and Appraiser Patrick Thomason appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. R6046000027.

**The issue on appeal is the market value of a residential property, specifically the value attributable to the land.**

**The decision of the Ada County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land valuation of the parcel is \$126,000 and the improvements' valuation is \$302,900 totaling \$428,900. Appellant requests the land valuation be reduced to \$80,000, and the improvements' value be left at \$302,900, totaling \$382,900.

Subject is .323 acres of land on the "rim", overlooking Chinden Boulevard with a 6,477 square foot residence built in 2006. This Boise, Idaho lot has a view of the city and mountains.

Appellant purchased the property in January of 2003 for \$160,000. In April of 2005 Appellant had permits issued for demolition of improvements for \$10,000. In May of 2005 permits were issued to construct a 6,477 square foot single-family dwelling.

One of Appellant's exhibits consists of a list of four properties near subject. The Appellant compared the assessed values of similar lots with views. The lots range in size from .11 to .37 acres and the assessed values range from \$54,000 to \$126,000. The \$54,000 lot is four parcels away from subject. It has been determined that this was a split lot and when the other half of the split lot was added the total lot value is \$111,600. One of Appellant's comparable properties has a similar view, a 5,814 square foot residence on .37 acres, and is located on a secluded street. The land value is \$95,000. Two other parcels have similar characteristics as subject and the land values are \$96,000. Two of the parcels have a view rating of excellent and subject was marked with a questionable view as per the Ada County Assessor's web site.

Appellant disagreed with the comparable sales used by the Respondent and claims they were not representative of property similar to subject.

Respondent stated that the correct benchmark for equity is the total property, land and improvement, to arrive at market value.

Respondent proposed the \$160,000 for land and improvements purchase together with the \$10,000 costs to remove structure equals \$170,000 prior to the building of the new residence.

Respondent submitted three (3) comparable sales with views and similar size residences as subject. The comparables were not in close proximity to subject. Respondent submitted a grid demonstrating that adjustments were made for different ratings of view, total square feet, number of bathrooms and garage size. The adjusted price per square foot ranged from \$99.66 to \$103.70, whereas subject is assessed at \$92.09 per square foot.

Respondent submitted a vacant land sales spreadsheet comparing lots with excellent view, average view, fair view, and no view. The value of a lot with no view was averaged at \$93,000, while an excellent view value was \$250,000. The view lots in the spreadsheet are in the surrounding Boise valley area. The vacant lot sales are also not in subject's immediate area, but

according to Respondent, are the best fit available for the size and view of subject.

Respondent submitted a plat map of the lots surrounding subject to demonstrate the assessed values are all uniform amongst similar view lots.

Respondent makes the point that the full market value, not just the land component, must be looked at and the benchmark for equity is full market value relative to the subject property. Respondent states that the three comparable sales are not in close proximity to subject but are the best fit for the size and view to subject.

Respondent notes that the legal standard is not on other assessed values but if the subject assessment is accurate or not.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant offered very good comparisons to subject property, however they were based on assessed values. Appellant did not offer any sales, appraisal or other factual information pertaining to the market value of the subject property. Appellant's case was constructed around assessed values and the claim that the subject land value was assessed too high for the area. Assessed values are not considered good evidence of market value.

The County submitted three (3) comparable sales similar to the subject in size and view to

demonstrate subject value after adjusting for differences. The adjustments were made for differences in view ratings, square footage, number of bathrooms, and size of garage. The plat map submitted by Respondent indicates the land values in the subject's subdivision are uniform and other evidence demonstrates the valuations are based on comparable residential sales and land sales. The Board finds that the assessed value of subject does not exceed market value, and the assessed value has not been demonstrated to be in error. The decision of the Ada County Board of Equalization will be affirmed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 31st day of January , 2007.